

1-1 By: Coleman (Senate Sponsor - West) H.B. No. 3485  
1-2 (In the Senate - Received from the House May 13, 2009;  
1-3 May 14, 2009, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 23, 2009, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 4,  
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3485 By: West

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the administration of certain county services and  
1-11 duties, including the administration of county assistance  
1-12 districts.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 15.08, Code of Criminal Procedure, is  
1-15 amended to read as follows:

1-16 Art. 15.08. WARRANT MAY BE FORWARDED [~~TELEGRAPHED~~]. A  
1-17 warrant of arrest may be forwarded by a method that ensures the  
1-18 transmission of a duplicate of the original warrant, including  
1-19 secure facsimile transmission or other secure electronic means  
1-20 [~~telegraph from any telegraph office to another in this State~~]. If  
1-21 issued by any magistrate named in Article 15.06, the peace officer  
1-22 receiving the same shall execute it without delay. If it be issued  
1-23 by any other magistrate than is named in Article 15.06, the peace  
1-24 officer receiving the same shall proceed with it to the nearest  
1-25 magistrate of the peace officer's [~~his~~] county, who shall endorse  
1-26 thereon, in substance, these words:

1-27 "Let this warrant be executed in the county of .....",  
1-28 which endorsement shall be dated and signed officially by the  
1-29 magistrate making the same.

1-30 SECTION 2. Article 15.09, Code of Criminal Procedure, is  
1-31 amended to read as follows:

1-32 Art. 15.09. COMPLAINT MAY BE FORWARDED [~~BY TELEGRAPH~~]. A  
1-33 complaint in accordance with Article 15.05, may be forwarded  
1-34 [~~telegraphed~~], as provided by [~~in the preceding~~] Article 15.08, to  
1-35 any magistrate in the State; and the magistrate who receives the  
1-36 same shall forthwith issue a warrant for the arrest of the accused;  
1-37 and the accused, when arrested, shall be dealt with as provided in  
1-38 this Chapter in similar cases.

1-39 SECTION 3. Article 15.19(a), Code of Criminal Procedure, is  
1-40 amended to read as follows:

1-41 (a) If the arrested person fails or refuses to give bail, as  
1-42 provided in Article 15.18, the arrested person shall be committed  
1-43 to the jail of the county where the person was arrested; and the  
1-44 magistrate committing the arrested person shall immediately  
1-45 provide notice to the sheriff of the county in which the offense is  
1-46 alleged to have been committed regarding:

1-47 (1) the arrest and commitment, which notice may be  
1-48 given by [~~telegraph,~~] mail[~~,~~] or other written means or by secure  
1-49 facsimile transmission or other secure electronic means; and

1-50 (2) whether the person was also arrested under a  
1-51 warrant issued under Section 508.251, Government Code.

1-52 SECTION 4. Article 20.011(a), Code of Criminal Procedure,  
1-53 is amended to read as follows:

1-54 (a) Only the following persons may be present in a grand  
1-55 jury room while the grand jury is conducting proceedings:

1-56 (1) grand jurors;

1-57 (2) bailiffs;

1-58 (3) the attorney representing the state;

1-59 (4) witnesses while being examined or when necessary

1-60 to assist the attorney representing the state in examining other  
1-61 witnesses or presenting evidence to the grand jury;

1-62 (5) interpreters, if necessary; [~~and~~]

1-63 (6) a stenographer or person operating an electronic

2-1 recording device, as provided by Article 20.012; and  
2-2 (7) a person operating a video teleconferencing system  
2-3 for use under Article 20.151.

2-4 SECTION 5. Article 20.02(b), Code of Criminal Procedure, is  
2-5 amended to read as follows:

2-6 (b) A grand juror, bailiff, interpreter, stenographer or  
2-7 person operating an electronic recording device, ~~[or]~~ person  
2-8 preparing a typewritten transcription of a stenographic or  
2-9 electronic recording, or person operating a video teleconferencing  
2-10 system for use under Article 20.151 who discloses anything  
2-11 transpiring before the grand jury, regardless of whether the thing  
2-12 transpiring is recorded, in the course of the official duties of the  
2-13 grand jury, is ~~[shall be]~~ liable to a fine as for contempt of the  
2-14 court, not exceeding \$500 ~~[five hundred dollars]~~, imprisonment not  
2-15 exceeding 30 ~~[thirty]~~ days, or both the ~~[such]~~ fine and  
2-16 imprisonment.

2-17 SECTION 6. Chapter 20, Code of Criminal Procedure, is  
2-18 amended by adding Article 20.151 to read as follows:

2-19 Art. 20.151. CERTAIN TESTIMONY BY VIDEO TELECONFERENCING.

2-20 (a) With the consent of the foreman of the grand jury and the  
2-21 attorney representing the state, a peace officer summoned to  
2-22 testify before the grand jury may testify through the use of a  
2-23 closed circuit video teleconferencing system that provides an  
2-24 encrypted, simultaneous, compressed full motion video and  
2-25 interactive communication of image and sound between the peace  
2-26 officer, the attorney representing the state, and the grand jury.

2-27 (b) In addition to being administered the oath described by  
2-28 Article 20.16(a), before being interrogated, a peace officer  
2-29 testifying through the use of a closed circuit video  
2-30 teleconferencing system under this article shall affirm that:

2-31 (1) no person other than a person in the grand jury  
2-32 room is capable of hearing the peace officer's testimony; and

2-33 (2) the peace officer's testimony is not being  
2-34 recorded or otherwise preserved by any person at the location from  
2-35 which the peace officer is testifying.

2-36 (c) Testimony received from a peace officer under this  
2-37 article shall be recorded and preserved.

2-38 SECTION 7. Article 27.18, Code of Criminal Procedure, is  
2-39 amended by amending Subsection (c) and adding Subsection (c-1) to  
2-40 read as follows:

2-41 (c) A recording of the communication shall be made and  
2-42 preserved until all appellate proceedings have been disposed of. A  
2-43 court reporter or court recorder is not required to take a  
2-44 transcription of a plea taken under this article.

2-45 (c-1) The defendant may obtain a copy of a ~~[the]~~ recording  
2-46 made under Subsection (c) on payment of a reasonable amount to cover  
2-47 the costs of reproduction or, if the defendant is indigent, the  
2-48 court shall provide a copy to the defendant without charging a cost  
2-49 for the copy. The loss or destruction of or failure to make a video  
2-50 recording of a plea entered under this article is not alone  
2-51 sufficient grounds for a defendant to withdraw the defendant's plea  
2-52 or to request the court to set aside a conviction or sentence based  
2-53 on the plea.

2-54 SECTION 8. Article 38.073, Code of Criminal Procedure, is  
2-55 amended to read as follows:

2-56 Art. 38.073. TESTIMONY OF INMATE WITNESSES. In a  
2-57 proceeding in the prosecution of a criminal offense in which an  
2-58 inmate in the custody of the Texas Department of Criminal Justice is  
2-59 required to testify as a witness, any deposition or testimony of the  
2-60 inmate witness may be conducted by a video teleconferencing system  
2-61 in the manner described by Article 27.18 ~~[electronic means, in the~~  
2-62 same manner as permitted in civil cases under Section 30.012, Civil  
2-63 Practice and Remedies Code].

2-64 SECTION 9. Section 31.037, Election Code, is amended to  
2-65 read as follows:

2-66 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The  
2-67 employment of the county elections administrator may be suspended,  
2-68 with or without pay, or terminated at any time for good and  
2-69 sufficient cause on the four-fifths vote of the county election

3-1 commission and approval of that action by a majority vote of the  
3-2 commissioners court.

3-3 SECTION 10. Section 61.001(f), Government Code, is amended  
3-4 to read as follows:

3-5 (f) A reimbursement for expenses under this section is not a  
3-6 property right of a person who reports for jury service for purposes  
3-7 of Chapters 72 and 74, Property Code. If a check, instrument, or  
3-8 other method of payment authorized under Section 113.048, Local  
3-9 Government Code, ~~[instrument]~~ representing a reimbursement under  
3-10 this section is not presented for payment or redeemed before the  
3-11 90th day after it is issued:

3-12 (1) the instrument or other method of payment is  
3-13 considered forfeited and is void; and

3-14 (2) the money represented by the instrument or other  
3-15 method of payment may be placed or retained in the county's jury  
3-16 fund, the county's general fund, or any other fund in which county  
3-17 funds can be legally placed, at the discretion of the commissioners  
3-18 court.

3-19 SECTION 11. Section 61.003, Government Code, is amended by  
3-20 adding Subsection (e) to read as follows:

3-21 (e) Notwithstanding Subsection (a), a county that has  
3-22 adopted a system or method of payment authorized by Section  
3-23 113.048, Local Government Code, may provide a person who reports  
3-24 for jury service in the county an opportunity to donate all, or a  
3-25 specific part designated by the juror, of the juror's daily  
3-26 reimbursement by completing a self-executing application on a form  
3-27 prescribed by the commissioners court.

3-28 SECTION 12. Section 694.002, Health and Safety Code, is  
3-29 amended by adding Subsections (c) and (d) to read as follows:

3-30 (c) If a county discovers cash in the possession of a  
3-31 deceased pauper, the county shall place the money in a trust  
3-32 account. A person having a claim to the money in the trust account  
3-33 must exercise the right to collect the money not later than the  
3-34 first anniversary of the date the money is placed in the trust  
3-35 account.

3-36 (d) A county may create a fund to be used by the county to  
3-37 pay the costs incurred in disposing of the bodies of deceased  
3-38 paupers. If money placed in a trust account under Subsection (c) is  
3-39 not claimed by the first anniversary of the date the money is placed  
3-40 in the trust account, the county may transfer the money to the fund  
3-41 created under this subsection.

3-42 SECTION 13. Section 716.101, Health and Safety Code, is  
3-43 amended to read as follows:

3-44 Sec. 716.101. UNIDENTIFIED HUMAN REMAINS. (a) Except as  
3-45 provided by Subsection (b), a [A] crematory establishment may not  
3-46 accept for cremation unidentified human remains.

3-47 (b) Notwithstanding any other provision of this chapter, a  
3-48 crematory establishment may accept for cremation unidentified  
3-49 human remains from a county on the order of:

3-50 (1) the county commissioners court; or

3-51 (2) a court located in the county.

3-52 SECTION 14. Subchapter C, Chapter 113, Local Government  
3-53 Code, is amended by adding Section 113.048 to read as follows:

3-54 Sec. 113.048. DISBURSEMENT OF MONEY FOR JURY SERVICE. (a)  
3-55 Notwithstanding any other provision of this subchapter or other law  
3-56 to the contrary, a county treasurer may disburse to a person who  
3-57 reports for jury service and discharges the person's duty the daily  
3-58 amount of reimbursement for jury service expenses set by the  
3-59 commissioners court under Section 61.001, Government Code, by:

3-60 (1) using an electronic funds transfer system in  
3-61 accordance with Chapter 156;

3-62 (2) using a cash dispensing machine;

3-63 (3) issuing a debit card or a stored value card; or

3-64 (4) using any other method that the county treasurer  
3-65 and the commissioners court determine is secure, accurate, and  
3-66 cost-effective and that is convenient for persons who report for  
3-67 jury service.

3-68 (b) A system or method of payment adopted by a county  
3-69 treasurer under Subsection (a) may be implemented only if it is

4-1 approved by the commissioners court and administered in accordance  
4-2 with the procedures established by the county auditor or by the  
4-3 chief financial officer of a county that does not have a county  
4-4 auditor.

4-5 (c) A system or method of payment authorized by this section  
4-6 may be used in lieu of or in addition to the issuance of warrants or  
4-7 checks authorized under this subchapter.

4-8 SECTION 15. Sections 155.002(a) and (b), Local Government  
4-9 Code, are amended to read as follows:

4-10 (a) A request for a payroll deduction must:

4-11 (1) be in writing;

4-12 (2) be submitted to the county auditor unless the  
4-13 deduction is processed through an automated payroll system  
4-14 maintained by the county; and

4-15 (3) state the amount to be deducted and the entity to  
4-16 which the amount is to be transferred.

4-17 (b) A request remains in effect until:

4-18 (1) the county auditor receives a written notice of  
4-19 revocation signed by the employee; or

4-20 (2) the deduction is revoked by the employee through  
4-21 an automated payroll system maintained by the county.

4-22 SECTION 16. Subchapter Z, Chapter 157, Local Government  
4-23 Code, is amended by adding Section 157.9031 to read as follows:

4-24 Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR  
4-25 CERTAIN COVERAGE. A commissioners court of a self-insuring county  
4-26 or an intergovernmental pool operating under Chapter 119 may,  
4-27 pursuant to policies concerning the provision of coverage adopted  
4-28 by the commissioners court or the pool's governing body, require  
4-29 reimbursement for the provision of punitive damage coverage from a  
4-30 person to whom the intergovernmental pool provides coverage.

4-31 SECTION 17. Section 262.003(a), Local Government Code, is  
4-32 amended to read as follows:

4-33 (a) Any law that requires a county to follow a competitive  
4-34 bidding procedure in making a purchase requiring the expenditure of  
4-35 \$50,000 [~~\$25,000~~] or less does not apply to the purchase of an item  
4-36 available for purchase from only one supplier.

4-37 SECTION 18. Section 262.023(a), Local Government Code, is  
4-38 amended to read as follows:

4-39 (a) Before a county may purchase one or more items under a  
4-40 contract that will require an expenditure exceeding \$50,000  
4-41 [~~\$25,000~~], the commissioners court of the county must:

4-42 (1) comply with the competitive bidding or competitive  
4-43 proposal procedures prescribed by this subchapter;

4-44 (2) use the reverse auction procedure, as defined by  
4-45 Section 2155.062(d), Government Code, for purchasing; or

4-46 (3) comply with a method described by Subchapter H,  
4-47 Chapter 271.

4-48 SECTION 19. Section 270.007(f), Local Government Code, is  
4-49 amended to read as follows:

4-50 (f) Except as provided by Subsection (b), [~~upon request of~~  
4-51 ~~any person,~~] a county may may [~~shall~~] sell or license software under  
4-52 this section for a price negotiated between the county and the  
4-53 person, including another governmental entity [~~, not to exceed the~~  
4-54 ~~developmental cost to the county. Developmental cost shall only~~  
4-55 ~~include costs incurred under a contract to procure the software or~~  
4-56 ~~direct employee costs incurred to develop the software. This~~  
4-57 ~~subsection does not apply to any county software that protects~~  
4-58 ~~county computer systems from unauthorized use or access].~~

4-59 SECTION 20. Section 271.024, Local Government Code, is  
4-60 amended to read as follows:

4-61 Sec. 271.024. COMPETITIVE BIDDING PROCEDURE APPLICABLE TO  
4-62 CONTRACT. The bidding of [~~If a governmental entity is required by~~  
4-63 ~~statute to award~~] a contract awarded by a governmental entity for  
4-64 the construction, repair, or renovation of a structure, road,  
4-65 highway, or other improvement or addition to real property [~~on the~~  
4-66 ~~basis of competitive bids, and if the contract requires the~~  
4-67 ~~expenditure of more than \$25,000 from the funds of the entity, the~~  
4-68 ~~bidding on the contract] must be accomplished in the manner  
4-69 provided by this subchapter if:~~

5-1 (1) a statute requires the governmental entity to  
5-2 award the contract on the basis of competitive bids; and

5-3 (2) the contract requires the expenditure of more  
5-4 than:

5-5 (A) \$25,000 from the funds of a governmental  
5-6 entity other than a county; or

5-7 (B) \$50,000 from the funds of a county.

5-8 SECTION 21. Section 363.156(b), Local Government Code, is  
5-9 amended to read as follows:

5-10 (b) To the extent competitive bidding procedures in Title 8  
5-11 apply, the board may not enter purchasing contracts that involve  
5-12 spending more than \$50,000 [~~\$25,000~~] unless the board complies  
5-13 with:

5-14 (1) Subchapter C, Chapter 262, if the district was  
5-15 created by a county; or

5-16 (2) Chapter 252, if the district was created by a  
5-17 municipality.

5-18 SECTION 22. Section 387.003, Local Government Code, is  
5-19 amended by amending Subsections (a), (b), (b-1), (c), (e), (f), and  
5-20 (h) and adding Subsections (a-1), (i), and (j) to read as follows:

5-21 (a) The commissioners court of the county may call an  
5-22 election on the question of creating a county assistance district  
5-23 under this chapter. More than one county assistance district may be  
5-24 created in a county, but not more than one county assistance  
5-25 district may be created in a commissioner's precinct.

5-26 (a-1) A district may [~~to~~] perform the following functions in  
5-27 the district:

5-28 (1) the construction, maintenance, or improvement of  
5-29 roads or highways;

5-30 (2) the provision of law enforcement and detention  
5-31 services;

5-32 (3) the maintenance or improvement of libraries,  
5-33 museums, parks, or other recreational facilities;

5-34 (4) the provision of services that benefit the public  
5-35 health or welfare, including the provision of firefighting and fire  
5-36 prevention services; or

5-37 (5) the promotion of economic development and tourism.

5-38 (b) The order calling the election must:

5-39 (1) define the boundaries of the district to include  
5-40 any portion of the county in which the combined tax rate of all  
5-41 local sales and use taxes imposed, including the rate to be imposed  
5-42 by the district if approved at the election, would not exceed the  
5-43 maximum combined rate of sales and use taxes imposed by political  
5-44 subdivisions of this state that is prescribed by Sections 321.101  
5-45 and 323.101, Tax Code [~~two percent~~]; and

5-46 (2) call for the election to be held within those  
5-47 boundaries.

5-48 (b-1) If the proposed district includes any territory of a  
5-49 municipality, the commissioners court shall send notice by  
5-50 certified mail to the governing body of the municipality of the  
5-51 commissioners court's intent to create the district. If the  
5-52 municipality has created a development corporation under Chapter  
5-53 504 or 505, Local Government Code [~~Section 4A or 4B, Development~~  
5-54 ~~Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil~~  
5-55 ~~Statutes)], the commissioners court shall also send the notice to~~  
5-56 the board of directors of the corporation. The commissioners court  
5-57 must send the notice not later than the 60th day before the date the  
5-58 commissioners court orders the election. The governing body of the  
5-59 municipality may exclude the territory of the municipality from the  
5-60 proposed district by sending notice by certified mail to the  
5-61 commissioners court of the governing body's desire to exclude the  
5-62 municipal territory from the district. The governing body must  
5-63 send the notice not later than the 45th day after the date the  
5-64 governing body receives notice from the commissioners court under  
5-65 this subsection. The territory of a municipality that is excluded  
5-66 under this subsection may subsequently be included in:

5-67 (1) the district in an election held under Subsection  
5-68 (f) with the consent of the municipality; or

5-69 (2) another district after complying with the

6-1 requirements of this subsection and after an election under  
6-2 Subsection (f).

6-3 (c) The ballot at the election must be printed to permit  
6-4 voting for or against the proposition: "Authorizing the creation  
6-5 of the \_\_\_\_\_ County Assistance District No. \_\_\_\_\_ (insert name of  
6-6 district) and the imposition of a sales and use tax at the rate of  
6-7 \_\_\_\_\_ [~~of one~~] percent (insert [~~one-eighth, one-fourth,~~  
6-8 ~~three-eighths, or one-half, as~~] appropriate rate) for the purpose  
6-9 of financing the operations of the district."

6-10 (e) If a majority of the votes received at the election are  
6-11 against the creation of the district, the district is not created  
6-12 and the county at any time may call one or more elections [~~another~~  
6-13 ~~election~~] on the question of creating one or more [~~a~~] county  
6-14 assistance districts [~~district may not be held in the county before~~  
6-15 ~~the first anniversary of the most recent election concerning the~~  
6-16 ~~creation of a district~~].

6-17 (f) The commissioners court may call an election to be held  
6-18 in an area of the county that is not located in a district created  
6-19 under this section to determine whether the area should be included  
6-20 in the district and whether the district's sales and use tax should  
6-21 be imposed in the area. An election may not be held in an area in  
6-22 which the combined tax rate of all local sales and use taxes  
6-23 imposed, including the rate to be imposed by the district if  
6-24 approved at the election, would exceed the maximum combined rate of  
6-25 sales and use taxes imposed by political subdivisions of this state  
6-26 that is prescribed by Sections 321.101 and 323.101, Tax Code [~~two~~  
6-27 ~~percent~~].

6-28 (h) If more than one election to authorize a local sales and  
6-29 use tax is held on the same day in the area of a proposed district or  
6-30 an area proposed to be added to a district and if the resulting  
6-31 approval by the voters would cause the imposition of a local sales  
6-32 and use tax in any area to exceed the maximum combined rate of sales  
6-33 and use taxes of political subdivisions of this state that is  
6-34 prescribed by Sections 321.101 and 323.101, Tax Code [~~two percent~~],  
6-35 only a tax authorized at an election under this section may be  
6-36 imposed.

6-37 (i) In addition to the authority to include an area in a  
6-38 district under Subsection (f), the governing body of a district by  
6-39 order may include an area in the district on receipt of a petition  
6-40 or petitions signed by the owner or owners of the majority of the  
6-41 land in the area to be included in the district. If there are no  
6-42 qualified voters in the area to be included in the district, no  
6-43 election is required.

6-44 (j) The commissioners court by order may exclude an area  
6-45 from the district if the district has no outstanding bonds payable  
6-46 wholly or partly from sales and use taxes and the exclusion does not  
6-47 impair any outstanding district debt or contractual obligation.

6-48 SECTION 23. Section 387.005, Local Government Code, is  
6-49 amended to read as follows:

6-50 Sec. 387.005. GOVERNING BODY. (a) The commissioners  
6-51 court of the county in which the district is created by order shall  
6-52 provide that:

6-53 (1) the commissioners court is the governing body of  
6-54 the district; or

6-55 (2) the commissioners court shall appoint a governing  
6-56 body of the district.

6-57 (b) A member of the governing body of the district  
6-58 [~~commissioners court~~] is not entitled to compensation for service  
6-59 [~~on the governing body of the district~~] but is entitled to  
6-60 reimbursement for actual and necessary expenses.

6-61 (c) A board of directors appointed by the commissioners  
6-62 court under this section shall consist of five directors who serve  
6-63 staggered terms of two years. To be eligible to serve as a  
6-64 director, a person must be at least 18 years of age and a resident of  
6-65 the county in which the district is located. The initial directors  
6-66 shall draw lots to achieve staggered terms, with three of the  
6-67 directors serving one-year terms and two of the directors serving  
6-68 two-year terms.

6-69 SECTION 24. Section 387.006(a), Local Government Code, is

7-1 amended to read as follows:

7-2 (a) A district may:

7-3 (1) perform any act necessary to the full exercise of  
7-4 the district's functions;

7-5 (2) accept a grant or loan from:

7-6 (A) the United States;

7-7 (B) an agency or political subdivision of this  
7-8 state; or

7-9 (C) a public or private person;

7-10 (3) acquire, sell, lease, convey, or otherwise dispose  
7-11 of property or an interest in property under terms determined by the  
7-12 district;

7-13 (4) employ necessary personnel; ~~and~~

7-14 (5) adopt rules to govern the operation of the  
7-15 district and its employees and property; and

7-16 (6) enter into agreements with municipalities  
7-17 necessary or convenient to achieve the district's purposes,  
7-18 including agreements regarding the duration, rate, and allocation  
7-19 between the district and the municipality of sales and use taxes.

7-20 SECTION 25. Section 387.007, Local Government Code, is  
7-21 amended by amending Subsection (b) and adding Subsection (c) to  
7-22 read as follows:

7-23 (b) A district may not adopt a sales and use tax under this  
7-24 chapter if the adoption of the tax would result in a combined tax  
7-25 rate of all local sales and use taxes that would exceed the maximum  
7-26 combined rate prescribed by Sections 321.101 and 323.101, Tax Code,  
7-27 [of more than two percent] in any location in the district.

7-28 (c) A district may define areas in the district to pay for  
7-29 improvements, facilities, or services that primarily benefit that  
7-30 area and do not generally and directly benefit the district as a  
7-31 whole. The district may impose different rates of sales and use tax  
7-32 in each defined area, provided that the sales and use tax rate does  
7-33 not exceed the rate approved at an election held under Section  
7-34 387.003.

7-35 SECTION 26. Section 387.009, Local Government Code, is  
7-36 amended to read as follows:

7-37 Sec. 387.009. TAX RATE. The rate of a tax adopted under  
7-38 this chapter must be in increments of one-eighth~~[, one-fourth,~~  
7-39 ~~three-eighths, or one-half]~~ of one percent.

7-40 SECTION 27. Sections 387.010(a), (b), and (c), Local  
7-41 Government Code, are amended to read as follows:

7-42 (a) A district that has adopted a sales and use tax under  
7-43 this chapter may, by order and subject to Section 387.007(b):

7-44 (1) reduce ~~[, change]~~ the rate of the tax or repeal the  
7-45 tax without an election, except that the district may not repeal the  
7-46 sales and use tax or reduce the rate of the sales and use tax below  
7-47 the amount pledged to secure payment of an outstanding district  
7-48 debt or contractual obligation;

7-49 (2) increase the rate of the sales and use tax, if the  
7-50 increased rate of the sales and use tax will not exceed the rate  
7-51 approved at an election held under Section 387.003; or

7-52 (3) increase the rate of the sales and use tax to a  
7-53 rate that exceeds the rate approved at an election held under  
7-54 Section 387.003 after ~~[if]~~ the increase ~~[change or repeal]~~ is  
7-55 approved by a majority of the votes received in the district at an  
7-56 election held for that purpose.

7-57 (b) The tax may be changed under Subsection (a) in one or  
7-58 more increments of one-eighth of one percent ~~[to a maximum of~~  
7-59 ~~one-half of one percent]~~.

7-60 (c) The ballot for an election to increase ~~[change]~~ the tax  
7-61 shall be printed to permit voting for or against the proposition:  
7-62 "The increase ~~[change]~~ of a sales and use tax for the \_\_\_\_ County  
7-63 Assistance District No. \_\_\_\_ (insert name of district) from the rate  
7-64 of \_\_\_\_ ~~[of one]~~ percent (insert ~~[one-fourth, three-eighths, or~~  
7-65 ~~one-half, as]~~ appropriate rate) to the rate of \_\_\_\_ ~~[of one]~~ percent  
7-66 (insert ~~[one-fourth, three-eighths, or one-half, as]~~ appropriate  
7-67 rate)."

7-68 SECTION 28. Section 387.012, Local Government Code, is  
7-69 amended to read as follows:

8-1           Sec. 387.012. EFFECTIVE DATE OF TAX. The adoption of the  
 8-2 tax, the increase or reduction [~~change~~] of the tax rate, or the  
 8-3 repeal of the tax takes effect on the first day of the first  
 8-4 calendar quarter occurring after the expiration of the first  
 8-5 complete quarter occurring after the date the comptroller receives  
 8-6 a copy of the order of the district's governing body [~~notice of the~~  
 8-7 ~~results of the election~~] adopting, increasing, reducing  
 8-8 [~~changing~~], or repealing the tax.

8-9           SECTION 29. Section 1702.104(b), Occupations Code, is  
 8-10 amended to read as follows:

8-11           (b) For purposes of Subsection (a)(1), "obtaining or  
 8-12 furnishing information" includes information obtained or furnished  
 8-13 through the review and analysis of, and the investigation into the  
 8-14 content of, computer-based data not available to the public.  
 8-15 "Obtaining or furnishing information" does not include information  
 8-16 obtained or furnished by an information technology professional who  
 8-17 is an employee of a county and who is:

8-18           (1) in the course and scope of employment, installing  
 8-19 or repairing computer equipment belonging to the county or is  
 8-20 examining the cause for required repair; and

8-21           (2) not performing any other act that requires a  
 8-22 license under this chapter.

8-23           SECTION 30. Chapter 51, Property Code, is amended by adding  
 8-24 Section 51.0022 to read as follows:

8-25           Sec. 51.0022. FORECLOSURE DATA COLLECTION. (a) In this  
 8-26 section, "department" means the Texas Department of Housing and  
 8-27 Community Affairs.

8-28           (b) A person filing a notice of sale of residential property  
 8-29 under Section 51.002(b) must submit to the county clerk a completed  
 8-30 form that provides the zip code for the property.

8-31           (c) On completion of a sale of real property, the trustee or  
 8-32 sheriff shall submit to the county clerk a completed form that  
 8-33 contains information on whether the property is residential and the  
 8-34 zip code of the property.

8-35           (d) Not later than the 30th day after the date of receipt of  
 8-36 a form under this section, the county clerk shall transmit the form  
 8-37 to the department.

8-38           (e) The board of the department shall prescribe the forms  
 8-39 required under this section. The forms may only request  
 8-40 information on whether the property is residential and the zip code  
 8-41 of the property.

8-42           (f) The department shall report the information received  
 8-43 under this section quarterly to the legislature in a format  
 8-44 established by the board of the department by rule.

8-45           SECTION 31. Articles 20.011(a) and 20.02(b), Code of  
 8-46 Criminal Procedure, as amended by this Act, and Article 20.151,  
 8-47 Code of Criminal Procedure, as added by this Act, apply only to  
 8-48 testimony before a grand jury that is impaneled on or after the  
 8-49 effective date of this Act.

8-50           SECTION 32. Article 27.18, Code of Criminal Procedure, as  
 8-51 amended by this Act, applies to a plea of guilty or nolo contendere  
 8-52 entered on or after the effective date of this Act, regardless of  
 8-53 whether the offense with reference to which the plea is entered is  
 8-54 committed before, on, or after that date.

8-55           SECTION 33. Article 38.073, Code of Criminal Procedure, as  
 8-56 amended by this Act, applies only to the testimony of an inmate  
 8-57 witness that is taken on or after the effective date of this Act.

8-58           SECTION 34. (a) Section 61.001(f), Government Code, as  
 8-59 amended by this Act, applies only to a disbursement for the  
 8-60 reimbursement for jury service expenses on or after the effective  
 8-61 date of this Act.

8-62           (b) The changes in law made by Sections 262.003, 262.023,  
 8-63 271.024, and 363.156, Local Government Code, as amended by this  
 8-64 Act, apply only to a purchase made or contract executed on or after  
 8-65 the effective date of this Act. A purchase made or contract  
 8-66 executed before the effective date of this Act is governed by the  
 8-67 law in effect immediately before that date, and the former law is  
 8-68 continued in effect for that purpose.

8-69           (c) The board of the Texas Department of Housing and

9-1 Community Affairs shall adopt the forms and rules required by  
9-2 Section 51.0022, Property Code, as added by this Act, not later than  
9-3 January 1, 2010.

9-4 (d) The change in law made by Section 51.0022, Property  
9-5 Code, as added by this Act, applies only to a notice of sale filed on  
9-6 or after January 1, 2010. A notice of sale filed before January 1,  
9-7 2010, is governed by the law in effect immediately before that date,  
9-8 and the former law is continued in effect for that purpose.

9-9 SECTION 35. Section 387.010(d), Local Government Code, is  
9-10 repealed.

9-11 SECTION 36. This Act takes effect September 1, 2009.

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